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December 13, 2021

**VIA ECF**

Magistrate Judge Roanne L. Mann  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *JBrick, LLC v. Chazak Kinder Inc., Chazak Distribution, Inc., Toys 2 Discover, Inc., and Yaacov Schwartz*, No. 1:21-cv-02883-DG-RLM

Dear Magistrate Judge Mann:

We represent Plaintiff JBrick, LLC (“JBrick”) in the above-referenced matter. Pursuant to Your Honor’s Individual Practice Rules, JBrick, respectfully requests a pre-motion conference seeking permission to file a motion to amend the complaint to add a new Defendant and to extend the remaining case deadlines.<sup>1</sup>

JBrick seeks permission to move to amend the complaint because JBrick recently discovered evidence supporting claims against an additional party, Marav USA, LLC D/B/A Bingo Wholesale (“Bingo”). Bingo sells and continues to sell the infringing Holy Temple building set (“Infringing Product”) described in the original Complaint (which was purchased from the current Defendants), despite receiving a letter from JBrick advising Bingo of JBrick’s rights and demanding that it cease all sales. JBrick’s proposed amendment to add Bingo is not sought for purposes of delay and would serve both the interests of judicial economy and justice. In addition, JBrick’s proposed amendment to add Bingo as a Defendant will not cause any prejudice. Indeed, Defendants do not oppose such amendment.

Additionally, in view of the recently discovered evidence and proposed amended complaint, JBrick requests that the court extend the remaining case deadlines by ten weeks. Plaintiff does not take the Court’s admonishment of November 30, 2021 lightly. JBrick notes that

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<sup>1</sup> The parties met and conferred and JBrick advised Defendants that it would be seeking to file this motion to add a new defendant and to extend the remaining case deadlines. Defendants advised that they do not oppose adding the new defendant, Bingo and jointly request the extension of the remaining case deadlines.

Magistrate Judge Roanne L. Mann

December 13, 2021

Page 2

the parties made their best efforts to work together in anticipation of mediation. During the parties' attempt to resolve this dispute, JBrick discovered that Defendants appeared to have offloaded all of their remaining inventory of the Infringing Product to Bingo. In view of this and other financial considerations the parties reached an impasse. Plaintiff has since continued to engage in discovery and shares the Court's desire that the parties conduct and complete discovery expeditiously. Accordingly, a ten-week extension of time, which is less than the sixteen-week extension of time previously requested, will provide sufficient time for JBrick to complete fact discovery of both the current Defendants and Bingo.

The parties accordingly submit that in view of the above, good cause exists to grant JBrick's permission to file its aforementioned motion to amend the complaint to add a new Defendant and to extend the remaining case deadlines.

Respectfully submitted,

Dated: December 13, 2021

/Barry R. Horwitz/

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